

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

JOHN SIMMONS;	)	
DAVID MARSTERS,	)	
by his next friend, Nancy Pomerleau;	)	
LORRAINE SIMPSON, by her guardian, Sara Spooner;	)	
SHERRI CURRIN, by her guardian, Sara Spooner;	)	
CAROLE CHOJNACKI, by her guardian, Sara Spooner;	)	
RICHARD CAOUETTE, by his guardian, Sara Spooner;	)	
DONALD GRANT, by his guardian, Sara Spooner,	)	
on behalf of themselves	)	
and other similarly situated persons; and	)	
MASSACHUSETTS SENIOR ACTION COUNCIL,	)	
	)	
Plaintiffs,	)	CIVIL ACTION NO.
	)	1:22-cv-11715-PBS
v.	)	
	)	
MAURA HEALEY, in her official capacity	)	
as Governor of the Commonwealth of Massachusetts;	)	
KATE WALSH, in her official capacity	)	
as Secretary, Executive Office of Health and	)	
Human Services;	)	
MATTHEW GORZKOWICZ, in his official capacity	)	
as Secretary of the Executive Office of Administration	)	
and Finance;	)	
ELIZABETH CHEN, in her official capacity as	)	
Secretary, Executive Office of Elder Affairs;	)	
and MICHAEL LEVIN, in his official capacity	)	
as Assistant Secretary of MassHealth,	)	
	)	
Defendants.	)	

**INITIAL AFFIDAVIT OF KAREN DETMERS**

I, Karen Detmers, hereby state as follows:

1. I am a Senior Paralegal at the Center for Public Representation (CPR).
2. On January 6, 2021, CPR sent a public records request to the Executive Office of Health and Human Services (EOHHS), seeking data on the Commonwealth's Moving Forward Plan (MFP) waivers for the waiver years of 2016 through 2020, pursuant to federal and state law. Mass.

Gen. Laws c. 66; 5 U.S.C. § 552. On or about February 11, 2021, EOHHS responded to this request, with the data attached as Appendix A.

3. As set forth in Appendix A, the MFP Waiver data that EOHHS provided shows that:
  - a) In waiver year<sup>1</sup> (WY) 2020, 372 persons in nursing facilities applied for the MFP-Residential Supports (MFP-RS) waiver. Of these, 149 were rejected because the waiver was full, and 31 were rejected for “safety” reasons. App. A., p. 1.
  - b) In WY 2020, 777 persons in nursing facilities applied for the MFP-Community Living (MFP-CL) waiver, and 242 were rejected for “safety” reasons. *Id.*
  - c) In WY 2019, 385 persons in nursing facilities applied for the MFP-RS. Of these, 166 were rejected because the waiver was full, and 25 were rejected for “safety” reasons. *Id.*
  - d) In WY 2019, 978 persons in nursing facilities applied for the MFP-CL, and 247 were rejected for “safety” reasons. *Id.*
  - e) In WY 2018, 392 persons in nursing facilities applied for the MFP-RS. Of these, 190 were rejected because the waiver was full, and 13 were rejected for “safety” reasons. *Id.*
  - f) In WY 2018, 912 persons in nursing facilities applied for the MFP-CL, and 213 were rejected for “safety” reasons. *Id.*

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<sup>1</sup> The waiver year (WY) is considered the date the state entity chooses as their effective start date for providing the services as approved by the CMS, and for beginning the determination of available waiver slots. It is also the date on which applications for the waiver program are formally accepted. For the MFP-RS and MFP-CL waivers, the WY begins on April 1.

- g) In WY 2017, 328 persons in nursing facilities applied for the MFP-RS. Of these, 195 were rejected because the waiver was full, and 21 were rejected for “safety” reason. *Id.*
- h) In WY 2017, 420 persons in nursing facilities applied for the MFP-CL, and 90 were rejected for “safety” reasons. *Id.*
- i) In WY 2016, 309 persons in nursing facilities applied for the MFP-RS. Of these, 152 were rejected because the waiver was full, and 12 were rejected for “safety” reasons. *Id.*
- j) In WY 2016, 407 persons in nursing facilities applied for the MFP-CL, and 77 were rejected for “safety” reasons. *Id.*

4. On May 18, 2022, CPR sent a public records request to Shara Bedard, Records Access Officer for EOHHS, seeking information about the Commonwealth’s Pre-Admission Screening and Resident Review (PASRR) program, pursuant to federal and state law. Mass. Gen. Laws c. 66; 5 U.S.C. § 552.

5. After two appeals to the Supervisor of Records, on February 1, 2023, EOHHS partially responded to the public records request with the data attached as Appendix B.

6. As set forth in Appendix B, the PASRR data that EOHHS provided shows that:

- a) In Fiscal Year (FY) 2022, 4142 persons with serious mental illness (SMI) were screened for admission to a nursing facility. In the first two quarters of FY 2023, 2448 persons with SMI were screened for admission to a nursing facility. Appendix B, p. 1.



- b) In FY 2022, 348 persons with SMI were admitted to a nursing facility. In the first two quarters of FY 2023, 284 persons with SMI were admitted to a nursing facility. *Id.*
- c) In FY 2022, 3,211 persons in nursing facilities received resident reviews annually. In the first two quarters of FY 2023, 1,868 persons in nursing facilities received resident reviews annually. *Id.*
- d) In FY 2022, 282 persons in nursing facilities who received resident reviews were identified as having SMI. In the first two quarters of FY 2023, 183 persons in nursing facilities who received resident reviews were identified as having SMI. Appendix B, p. 2.
- e) In FY 2022, 196 persons with SMI were determined to need specialized services. In the first two quarters of FY 2023, 218 persons with SMI were determined to need specialized services. *Id.*
- f) In FY 2021, 3,858 persons with serious mental illness (SMI) were screened for admission to a nursing facility. Appendix B, p. 1.
- g) In FY 2021, 383 persons with SMI were admitted to a nursing facility. *Id.*
- h) In FY 2021, 2,760 persons in nursing facilities received resident reviews annually. *Id.*
- i) In FY 2021, 418 persons in nursing facilities who received resident reviews were identified as having SMI. Appendix B, p. 2.
- j) In FY 2021, less than 11 persons in nursing facilities with SMI were determined to need specialized services.<sup>2</sup> *Id.*

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<sup>2</sup> EOHHS redacted the actual number whenever it was eleven or less.

7. I have also reviewed the Centers for Medicare and Medicaid Services Minimum Data Set (MDS) Frequency Report data.<sup>3</sup> MDS data for the third quarter of 2022 is attached as Appendix C.

8. As set forth in Appendix C, the MDS data set for the nursing facilities for the Commonwealth contained the following data:

- a) 1,197 nursing facility residents from a total of 1,551 were identified as having SMI after a Level II PASRR. Appendix C, p. 1.
- b) Of 34,094 total residents in nursing facilities, approximately 87% are older adults, defined as those aged 65 and older, totaling about 29,808 individuals. *Id.* at 3.
- c) Of 34,094 total residents in nursing facilities, approximately 12.5% are individuals under the age of 65, totaling about 4,282 individuals. *Id.*
- d) Of 30,333 total residents in nursing facilities, 37.59% expected to be discharged to the community, or 11,402 individuals. *Id.* at 6.
- e) Of 30,963 total residents in nursing facilities, only 19.46% had an active discharge plan, or 6,025. *Id.* at 8.

Signed under the pains and penalties of perjury on this 14<sup>th</sup> day of April 2023.

  
Karen Detmers

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<sup>3</sup> The MDS Frequency Report comprises information collected by nursing facilities about the active residents in the nursing facilities who are Medicare or Medicare eligible. See : <https://www.cms.gov/Research-Statistics-Data-and-Systems/Computer-Data-and-Systems/Minimum-Data-Set-3-0-Public-Reports/Minimum-Data-Set-3-0-Frequency-Report>

“The Original MDS was developed under the auspices of the Health Care Financing Administration (‘HCFA’), a federal agency, in response to a Congressional mandate that all nursing homes participating in Medicare and Medicaid programs comply with specific resident assessment requirements.” *Spilman v. Mosby-Y.B., Inc.*, 115 F. Supp. 2d 148, 150 (D. Mass. 2000) (Saris, J.) (citing 42 C.F.R. § 483.20, which states that nursing facilities must complete each resident’s assessment on a quarterly basis and transmit the data to the CMS System).



## Appendix A

### Moving Forward Program (MFP) Data - 2016-2020

1. The number of persons who applied for each waiver;	
Waiver by WY	Count
MFP-CL	3,872
WY2016	469
WY2017	493
WY2018	983
WY2019	1,059
WY2020	868
MFP-RS	2,044
WY2016	360
WY2017	392
WY2018	444
WY2019	436
WY2020	412
Grand Total	5,916

2. The number of persons in nursing facilities who applied for each waiver;	
Waiver by WY	Count
MFP-CL	3,434
WY2016	407
WY2017	420
WY2018	912
WY2019	978
WY2020	777
MFP-RS	1,786
WY2016	309
WY2017	328
WY2018	392
WY2019	385
WY2020	372
Grand Total	5,280

3. The number of persons by age or age range in nursing facilities who applied for each waiver;	
Waiver by Age Group	Count
MFP-CL	3,434
18-29	27
30-39	117
40-49	278
50-59	829
60-69	1,248
70-79	636
80+	359
MFP-RS	1,786
18-29	17
30-39	50
40-49	105
50-59	431
60-69	686
70-79	368
80+	129
Grand Total	5,280

4. The number of persons by condition or disability (i.e. Serious Mental Illness, Intellectual Disability, Physical Disability, Stroke, Dementia, etc), other than Acquired Brain Injury (ABI) in nursing facilities who applied for each waiver;	
N/A	

5. The number of persons in nursing facilities who were found eligible for each waiver;	
Waiver by WY	Count
MFP-CL	1,292
WY2016	216
WY2017	182
WY2018	304
WY2019	309
WY2020	281
MFP-RS	383
WY2016	66
WY2017	80
WY2018	68
WY2019	76
WY2020	93
Grand Total	1,675

6. The number of persons in nursing facilities who were found ineligible for each waiver and the reasons for such determination;		
MFP-CL and MFP-RS Waivers: Ineligible in Nursing Facilities		
Application Date Received & Reason Ineligible	WAIVER	
	MFP-CL	MFP-RS
April 1, 2015 – March 31, 2016		
Do not need waiver service		
Enrolled in another HCBS waiver, PACE, SCO or One Care		
Not enrolled in the MFP Demonstration	13	
Not financially eligible	53	19
Not in facility 90 days		
Not reside in a setting where services can be delivered		
Not residing in a qualified facility at time of application		
Not transitioning to a qualified residence		
Safety	77	12
Sufficient documentation not provided	61	19
Waiver Slots Full		152
April 1, 2015 – March 31, 2016 Total	216	214
April 1, 2016 – March 31, 2017		
Do not need waiver service		
Multiple Reasons		
Not enrolled in the MFP Demonstration		
Not financially eligible	52	18
Not in facility 90 days		
Not reside in a setting where services can be delivered		
Not residing in a qualified facility at time of application		
Not transitioning to a qualified residence		
Safety	90	21
Sufficient documentation not provided	54	27
Waiver Slots Full		195
April 1, 2016 – March 31, 2017 Total	219	273
April 1, 2017 – March 31, 2018		
Do not need waiver service		
Enrolled in another HCBS waiver, PACE, SCO or One Care		
Multiple Reasons		
Not financially eligible	126	28
Not in facility 90 days	24	
Not reside in a setting where services can be delivered		
Not transitioning to a qualified residence		
Safety	213	13
Sufficient documentation not provided	144	36
Waiver Slots Full		190
April 1, 2017 – March 31, 2018 Total	533	292
April 1, 2018 – March 31, 2019		
Do not need waiver service		
Enrolled in another HCBS waiver, PACE, SCO or One Care	15	23
Multiple Reasons		
Not financially eligible	133	28
Not in facility 90 days	38	
Not reside in a setting where services can be delivered		
Not transitioning to a qualified residence	12	
Safety	247	25
Sufficient documentation not provided	164	38
Waiver Slots Full		166
April 1, 2018 – March 31, 2019 Total	614	305
April 1, 2019 – March 31, 2020		
Do not need waiver service		22
Enrolled in another HCBS waiver, PACE, SCO or One Care		24
Multiple Reasons		
Not financially eligible	157	47
Not in facility 90 days	26	
Not reside in a setting where services can be delivered		
Not transitioning to a qualified residence		
Safety	242	31
Sufficient documentation not provided	143	43
Waiver Slots Full		149
April 1, 2019 – March 31, 2020 Total	591	332
Grand Total	2173	1416

\*Note: non-zero cell sizes <11 are masked for member confidentiality

## Appendix B PASRR Data

Kaplan PRR Response

**Request #2: Number of persons with SMI annually screened for admission to nursing facilities (from 2017 to present, by quarter)**

Fiscal Year	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Grand Total
FY18	124	405	369	436	1334
FY19	366	887	1223	1416	3892
FY20	1182	1286	1202	697	4367
FY21	912	916	882	1148	3858
FY22	1050	902	1083	1107	4142
FY23	1248	1200			2448
<b>Grand Total</b>	<b>4882</b>	<b>5596</b>	<b>4759</b>	<b>4804</b>	<b>20041</b>

**Request #4: Number of persons with SMI annually admitted to nursing facilities (from 2017 to present, by quarter).**

Fiscal Year	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Grand Total
FY18	85	329	278	330	1022
FY19	280	453	637	673	2043
FY20	467	357	256	102	1182
FY21	115	103	74	91	383
FY22	90	74	95	89	348
FY23	142	142			284
<b>Grand Total</b>	<b>1179</b>	<b>1458</b>	<b>1340</b>	<b>1285</b>	<b>5262</b>

**Request #5: Number of persons in nursing facilities who receive resident reviews annually (from 2017 to present, by quarter) – provide**

Fiscal Year	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Grand Total
FY18		234	230	296	
FY19	274	359	700	840	2173
FY20	644	750	780	420	2594
FY21	604	659	657	840	2760
FY22	696	705	942	868	3211
FY23	982	886			1868
<b>Grand Total</b>		<b>3593</b>	<b>3309</b>	<b>3264</b>	



## Kaplan PRR Response

**Request #7:** Number of persons in nursing facilities who receive resident reviews which are identified as having SMI annually

Fiscal Year	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Grand Total
FY18		191	177	233	
FY19	214	250	479	468	1411
FY20	349	251	189	110	899
FY21	117	112	93	96	418
FY22	48	77	83	74	282
FY23	90	93			183
Grand Total		974	1021	981	

**Request #9:** Number of persons with SMI annually determined to need specialized services (from 2017 to present, by quarter)

Fiscal Year	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Grand Total
FY18					15
FY19			11	12	35
FY20					18
FY21					
FY22		38	86	72	196
FY23	109	109			218
Grand Total	125	161	106	93	



## Kaplan PRR Response

**Request #10:** The number of each type of specialized service (i.e., psychotherapy, physical therapy) recommended for persons with SMI receiving the specific specialized service (from 2017 to present, by quarter)

Fiscal Year/Specialized Service	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Grand Total
<b>FY18</b>					21
Inpatient Psych					21
<b>FY19</b>			12	16	41
Inpatient Psych			12	16	41
<b>FY20</b>					18
Individual Psychotherapy					
Inpatient Psych					17
<b>FY21</b>					
Inpatient Psych					
<b>FY22</b>		122	202	234	558
Case Consultation		14	21	23	58
Family Psychotherapy					
Individual Psychotherapy		55	103	125	283
Methadone, Buprenorphine, Buprenorphine/Naltrexone, or Naltrexone				18	26
Neuro-Psychiatric Evaluation		20	23	23	66
Psychiatric Diagnostic Evaluation		20	30	33	83
Psychotherapy for Crisis			17		32
(blank)					
<b>FY23</b>	233	237			
Case Consultation	19	27			46
Family Psychotherapy					
Individual Psychotherapy	127	115			242
Methadone, Buprenorphine, Buprenorphine/Naltrexone, or Naltrexone	13	13			26
Neuro-Psychiatric Evaluation	25	24			49
Psychiatric Diagnostic Evaluation	40	48			88
Psychotherapy for Crisis					16
<b>Grand Total</b>	<b>251</b>	<b>376</b>	<b>223</b>	<b>262</b>	<b>1112</b>

**Request #11:** Demographic data on persons with SMI admitted to nursing facilities and persons receiving specialized services, by age, disability, and race, and language spoke (from 2017 to present, by quarter)

AGE RANGE	
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## Kaplan PRR Response

Fiscal Year/Quarter	Count
<b>FY18</b>	<b>15</b>
Qtr 2	
50-64	
65 and up	
Qtr 3	
50-64	
Qtr 4	
50-64	
65 and up	
<b>FY19</b>	<b>35</b>
Qtr 1	
50-64	
65 and up	
Qtr 2	
23-49	
50-64	
65 and up	
Qtr 3	<b>11</b>
23-49	
50-64	
65 and up	
Qtr 4	<b>12</b>
50-64	
65 and up	
<b>FY20</b>	<b>18</b>
Qtr 1	
50-64	
65 and up	
Qtr 2	
50-64	
65 and up	
Qtr 3	
50-64	
65 and up	
Qtr 4	
50-64	
<b>FY21</b>	
Qtr 1	
50-64	
65 and up	
Qtr 3	
23-49	

## Kaplan PRR Response




<b>FY22</b>	<b>196</b>
Qtr 2	38
50-64	19
65 and up	19
Qtr 3	
23-49	
50-64	27
65 and up	52
Qtr 4	72
23-49	13
50-64	24
65 and up	35
<b>FY23</b>	<b>218</b>
Qtr 1	
23-49	
50-64	51
65 and up	55
Qtr 2	
23-49	
50-64	37
65 and up	66
<b>Grand Total</b>	<b>485</b>
<b>LANGUAGE</b>	
<b>Fiscal Year/Quarter</b>	<b>Count</b>
<b>FY18</b>	<b>15</b>
Qtr 2	
English	
Not specified	
Qtr 3	
English	
Not specified	
Qtr 4	
English	
<b>FY19</b>	<b>35</b>
Qtr 1	
English	
Vietnamese	
Not specified	
Qtr 2	
English	
Not specified	
Qtr 3	11



## Kaplan PRR Response

English	
Not specified	
<b>Qtr 4</b>	<b>12</b>
English	
Not specified	
<b>FY20</b>	<b>18</b>
<b>Qtr 1</b>	
English	
Not specified	
<b>Qtr 2</b>	
English	
Spanish	
Not specified	
<b>Qtr 3</b>	
English	
Spanish	
Not specified	
<b>Qtr 4</b>	
English	
<b>FY21</b>	
<b>Qtr 1</b>	
English	
Not specified	
<b>Qtr 3</b>	
English	
<b>FY22</b>	<b>196</b>
<b>Qtr 2</b>	<b>38</b>
English	
Spanish	
Not specified	30
<b>Qtr 3</b>	<b>86</b>
English	18
Khmer	
Russian	
Spanish	
Not specified	65
<b>Qtr 4</b>	
Arabic	
English	14
Not specified	57
<b>FY23</b>	<b>218</b>
<b>Qtr 1</b>	
English	17

Kaplan PRR Response

Spanish	
Not specified	89
Qtr 2	
English	23
Spanish	
Not specified	85
Grand Total	485

**Appendix C**  
**MDS Data**

**MDS Frequency Report: Third Quarter 2022)**

**A1510A: Identification Information - Level II Preadmission Screening and Resident Review - Serious Mental Illness**

State	No	Yes	State Total
Alabama	27.38%	72.62%	3240
Alaska	41.30%	58.70%	46
Arizona	14.75%	85.25%	373
Arkansas	30.59%	69.41%	1226
California	22.45%	77.55%	11414
Colorado	11.57%	88.43%	2143
Connecticut	9.80%	90.20%	2562
Delaware	37.40%	62.60%	246
District of Columbia	18.82%	81.18%	85
Florida	27.88%	72.12%	1833
Georgia	22.42%	77.58%	3497
Hawaii	25.37%	74.63%	201
Idaho	24.69%	75.31%	810
Illinois	9.97%	90.03%	4887
Indiana	24.49%	75.51%	5157
Iowa	23.62%	76.38%	2354
Kansas	10.73%	89.27%	783
Kentucky	59.64%	40.36%	996
Louisiana	27.66%	72.34%	1902
Maine	29.28%	70.72%	461
Maryland	30.57%	69.43%	687
Massachusetts	22.82%	77.18%	1551
Michigan	24.95%	75.05%	3415



Minnesota	28.08%	71.92%	730
Mississippi	26.75%	73.25%	1013
Missouri	20.08%	79.92%	3830
Montana	34.55%	65.45%	165
Nebraska	27.34%	72.66%	1240
Nevada	48.40%	51.60%	250
New Hampshire	26.48%	73.52%	321
New Jersey	32.07%	67.93%	2008
New Mexico	50.54%	49.46%	186
New York	40.52%	59.48%	3712
North Carolina	40.85%	59.15%	4871
North Dakota	23.01%	76.99%	565
Ohio	22.53%	77.47%	4269
Oklahoma	23.05%	76.95%	1549
Oregon	35.54%	64.46%	166
Pennsylvania	35.50%	64.50%	4042
Puerto Rico	*	*	0
Rhode Island	16.05%	83.95%	623
South Carolina	54.36%	45.64%	585
South Dakota	36.93%	63.07%	417
Tennessee	16.79%	83.21%	1578
Texas	38.16%	61.84%	6995
U.S. Virgin Islands	*	*	0
Utah	13.33%	86.67%	1215
Vermont	52.05%	47.95%	73
Virginia	56.31%	43.69%	785
Washington	35.30%	64.70%	1255
West Virginia	50.20%	49.80%	508
Wisconsin	5.31%	94.69%	5608
Wyoming	28.23%	71.77%	379

<b>NATIONAL TOTAL</b>	25.69%	74.31%	98807
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### MDS Frequency Report: Third Quarter 2022)

#### RSAGE: Age of resident

State	0-30	31-64	65-74	75-84	85-95	> 95	State Total
Alabama	0.72%	18.93%	24.51%	28.79%	23.89%	3.17%	21227
Alaska	1.38%	20.28%	28.97%	28.69%	18.48%	2.21%	725
Arizona	1.09%	27.20%	24.48%	27.19%	18.11%	1.93%	11938
Arkansas	0.29%	16.61%	21.71%	29.62%	27.95%	3.83%	15973
California	1.05%	21.60%	24.94%	26.27%	22.35%	3.80%	100942
Colorado	0.21%	15.76%	24.23%	29.06%	26.52%	4.22%	15107
Connecticut	0.21%	15.12%	20.30%	27.73%	30.21%	6.43%	20438
Delaware	1.39%	13.09%	21.79%	31.25%	27.91%	4.57%	3805
District of Columbia	1.12%	19.80%	29.50%	26.91%	18.24%	4.44%	2051
Florida	0.33%	14.17%	23.08%	30.66%	27.51%	4.25%	74952
Georgia	0.29%	19.02%	27.48%	29.39%	21.04%	2.78%	30088
Hawaii	0.99%	13.04%	19.13%	24.79%	32.32%	9.73%	3320
Idaho	0.46%	17.58%	23.90%	32.64%	22.90%	2.52%	3925
Illinois	0.51%	22.16%	22.62%	25.36%	24.81%	4.54%	61279
Indiana	0.76%	16.80%	22.41%	28.85%	27.05%	4.13%	36216
Iowa	0.52%	10.95%	18.57%	26.98%	35.76%	7.23%	20489
Kansas	0.23%	15.18%	20.57%	27.00%	31.26%	5.75%	15137
Kentucky	0.71%	15.96%	22.72%	30.58%	26.41%	3.62%	21390
Louisiana	0.21%	19.12%	26.35%	28.23%	23.26%	2.84%	23185
Maine	0.17%	9.96%	18.11%	31.42%	34.71%	5.62%	5229
Maryland	0.41%	19.65%	24.64%	28.19%	23.11%	4.00%	23164
Massachusetts	0.40%	12.16%	19.90%	29.68%	31.68%	6.17%	34094



Michigan	0.30%	18.49%	24.42%	28.91%	23.81%	4.07%	34886
Minnesota	0.21%	11.41%	19.05%	28.50%	33.84%	6.99%	20607
Mississippi	0.43%	20.85%	25.92%	28.11%	21.96%	2.73%	14513
Missouri	0.92%	21.25%	22.21%	26.03%	25.56%	4.03%	34757
Montana	0.18%	13.01%	22.77%	31.20%	28.11%	4.73%	3298
Nebraska	0.75%	12.29%	18.25%	28.13%	34.21%	6.38%	9928
Nevada	1.69%	25.10%	26.59%	28.78%	15.91%	1.93%	5740
New Hampshire	*	9.33%	18.10%	30.59%	35.21%	6.73%	5691
New Jersey	1.06%	17.49%	21.42%	27.58%	27.50%	4.95%	40737
New Mexico	0.43%	21.29%	25.68%	27.67%	21.74%	3.17%	5330
New York	0.88%	15.45%	21.10%	28.62%	28.68%	5.27%	100009
North Carolina	0.22%	15.78%	23.59%	30.62%	25.94%	3.85%	34202
North Dakota	0.15%	9.81%	15.72%	24.88%	39.86%	9.57%	4566
Ohio	0.37%	20.14%	24.77%	27.42%	23.73%	3.58%	67689
Oklahoma	0.34%	19.92%	25.20%	28.52%	22.82%	3.19%	16697
Oregon	0.48%	16.61%	27.23%	30.83%	21.73%	3.12%	6497
Pennsylvania	0.25%	13.46%	20.76%	28.84%	30.99%	5.71%	67842
Puerto Rico	*	20.90%	37.31%	28.36%	12.69%	0.75%	134
Rhode Island	0.16%	11.80%	20.17%	28.57%	32.14%	7.16%	7010
South Carolina	0.18%	16.73%	24.32%	30.37%	24.83%	3.56%	16248
South Dakota	0.10%	8.71%	15.94%	27.22%	39.16%	8.87%	4905
Tennessee	0.38%	17.33%	23.51%	31.01%	24.74%	3.03%	25306
Texas	0.35%	17.17%	24.37%	29.99%	24.78%	3.35%	86952
U.S. Virgin Islands	*	*	*	*	*	*	0
Utah	1.23%	25.36%	27.60%	27.64%	16.28%	1.88%	5749
Vermont	0.08%	8.15%	17.78%	33.39%	34.45%	6.15%	2441
Virginia	0.46%	16.70%	23.69%	29.44%	25.54%	4.16%	27838
Washington	0.31%	13.99%	25.09%	31.31%	24.72%	4.59%	13433



West Virginia	0.24%	16.59%	23.86%	30.41%	25.63%	3.27%	9324
Wisconsin	0.21%	12.21%	19.86%	29.33%	32.60%	5.79%	18183
Wyoming	0.10%	10.41%	18.89%	31.83%	32.92%	5.85%	2017
<b>NATIONAL TOTAL</b>	0.52%	17.14%	22.96%	28.57%	26.42%	4.39%	1237203

### MDS Frequency Report: Third Quarter 2022)

#### Q0300A: Participation in Assessment and Goal Setting - Residents Overall Expectation - Goal Established During Assessment

State	Expects to be discharged to community	Expects to remain in facility	Expects to be discharged to another facility	None of the above	State Total
Alabama	29.45%	63.30%	1.05%	6.20%	19121
Alaska	31.81%	56.47%	2.74%	8.98%	657
Arizona	57.43%	36.31%	1.76%	4.51%	9367
Arkansas	20.27%	72.92%	1.04%	5.78%	14666
California	45.41%	44.85%	2.24%	7.51%	88444
Colorado	27.72%	62.35%	2.62%	7.32%	13259
Connecticut	43.31%	47.56%	1.43%	7.70%	18163
Delaware	36.18%	56.48%	2.03%	5.31%	3449
District of Columbia	32.63%	56.20%	1.54%	9.64%	1888
Florida	39.53%	52.67%	2.65%	5.14%	65976
Georgia	27.11%	63.26%	1.67%	7.96%	27539
Hawaii	43.87%	49.97%	1.40%	4.76%	2920
Idaho	36.98%	51.70%	4.11%	7.20%	3526
Illinois	31.45%	56.38%	2.76%	9.42%	54901
Indiana	32.01%	59.80%	1.36%	6.83%	32763
Iowa	23.77%	66.93%	1.73%	7.56%	19032
Kansas	23.06%	68.75%	1.52%	6.67%	13755

Kentucky	29.09%	62.42%	1.27%	7.23%	19205
Louisiana	20.75%	70.30%	1.03%	7.91%	21453
Maine	30.66%	56.97%	3.82%	8.55%	4583
Maryland	46.19%	45.07%	1.71%	7.04%	20681
Massachusetts	37.59%	52.48%	1.49%	8.44%	30333
Michigan	37.90%	53.31%	1.91%	6.88%	30720
Minnesota	36.77%	51.84%	2.97%	8.42%	18352
Mississippi	21.26%	71.56%	0.93%	6.25%	13483
Missouri	22.15%	68.05%	2.01%	7.80%	30573
Montana	26.59%	61.12%	2.71%	9.57%	2873
Nebraska	27.27%	62.26%	3.16%	7.31%	9152
Nevada	45.11%	45.29%	1.98%	7.62%	4844
New Hampshire	26.68%	65.00%	2.48%	5.84%	5243
New Jersey	35.48%	58.17%	1.43%	4.92%	35700
New Mexico	33.68%	55.35%	1.84%	9.14%	4564
New York	43.58%	46.41%	2.22%	7.79%	88037
North Carolina	35.31%	53.30%	3.57%	7.82%	30638
North Dakota	21.84%	68.23%	2.47%	7.47%	4300
Ohio	35.40%	55.17%	1.37%	8.06%	60040
Oklahoma	22.77%	68.66%	1.14%	7.44%	14869
Oregon	51.53%	36.35%	6.11%	6.02%	5601
Pennsylvania	33.89%	56.52%	2.54%	7.05%	60883
Puerto Rico	95.45%	*	*	4.55%	22
Rhode Island	34.66%	54.02%	2.70%	8.62%	6250
South Carolina	27.82%	63.41%	1.95%	6.81%	14387
South Dakota	23.37%	67.15%	3.28%	6.21%	4575
Tennessee	36.32%	54.93%	1.27%	7.48%	22205
Texas	25.85%	64.73%	1.29%	8.13%	77303



U.S. Virgin Islands	*	*	*	*	0
Utah	42.11%	47.30%	3.24%	7.35%	4901
Vermont	35.53%	52.79%	2.47%	9.22%	2190
Virginia	38.47%	53.49%	1.74%	6.30%	24954
Washington	54.70%	34.23%	4.68%	6.39%	11876
West Virginia	28.36%	60.86%	1.62%	9.16%	8559
Wisconsin	44.28%	43.75%	4.07%	7.89%	15985
Wyoming	23.25%	67.77%	1.44%	7.54%	1871
<b>NATIONAL TOTAL</b>	34.82%	55.79%	2.05%	7.34%	1100631

**Q0400A: Participation in Assessment and Goal Setting - Discharge Plan - Active Discharge Plan**

active discharge plan in place for the resident to return to the community

State	No	Yes	State Total
Alabama	87.98%	12.02%	19804
Alaska	82.40%	17.60%	693
Arizona	61.15%	38.85%	9634
Arkansas	92.44%	7.56%	15168
California	73.75%	26.25%	91137
Colorado	86.13%	13.87%	13625
Connecticut	77.67%	22.33%	18734
Delaware	83.79%	16.21%	3535
District of Columbia	83.46%	16.54%	1953
Florida	76.44%	23.56%	67151
Georgia	88.74%	11.26%	28490
Hawaii	79.14%	20.86%	3053
Idaho	82.60%	17.40%	3603
Illinois	85.90%	14.10%	56929
Indiana	87.00%	13.00%	33428
Iowa	92.18%	7.82%	19420



Kansas	90.59%	9.41%	14203
Kentucky	89.06%	10.94%	19956
Louisiana	92.82%	7.18%	22002
Maine	82.74%	17.26%	4802
Maryland	75.15%	24.85%	21109
Massachusetts	80.54%	19.46%	30963
Michigan	80.15%	19.85%	31370
Minnesota	84.26%	15.74%	18862
Mississippi	90.86%	9.14%	13822
Missouri	89.08%	10.92%	32142
Montana	91.09%	8.91%	3053
Nebraska	88.57%	11.43%	9389
Nevada	70.78%	29.22%	4955
New Hampshire	88.17%	11.83%	5351
New Jersey	77.53%	22.47%	36786
New Mexico	85.15%	14.85%	4741
New York	81.24%	18.76%	92201
North Carolina	83.78%	16.22%	31367
North Dakota	93.16%	6.84%	4417
Ohio	83.65%	16.35%	61349
Oklahoma	88.81%	11.19%	15634
Oregon	66.25%	33.75%	5766
Pennsylvania	87.67%	12.33%	61924
Puerto Rico	3.57%	96.43%	28
Rhode Island	83.05%	16.95%	6396
South Carolina	82.07%	17.93%	14854
South Dakota	92.45%	7.55%	4691
Tennessee	81.15%	18.85%	22959
Texas	86.75%	13.25%	79632
U.S. Virgin Islands	*	*	0
Utah	73.60%	26.40%	5016

Vermont	83.83%	16.17%	2264
Virginia	82.45%	17.55%	25549
Washington	65.66%	34.34%	12218
West Virginia	88.59%	11.41%	8733
Wisconsin	77.42%	22.58%	16559
Wyoming	93.77%	6.23%	1925
<b>NATIONAL TOTAL</b>	82.86%	17.14%	1133345